IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 33329 of 2006(P)

PETITIONERS:

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1. A.R.MURALEEDHARAN, UPPER DIVISION CLERK, GURUVAYOOR DEVASWOM, GURUVAYOOR.

2. M.P.PARAMESWARAN, UPPER DIVISION CLERK, GURUVAYOOR DEVASWOM, GURUVAYOOR.

3. R.PARAMESWARAN, UPPER DIVISION CLERK, GURUVAYOOR DEVASWOM, GURUVAYOOR.

4. UNNIKRISHNAN.P.A., UPPER DIVISION CLERK, GURUVAYOOR DEVASWOM, GURUVAYOOR.

5. T.V.KRISHNA DAS, UPPER DIVISION CLERK, GURUVAYOOR DEVASWOM, GURUVAYOOR.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

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1. THE ADMINISTRATOR, GURUVAYOOR DEVASWOM, GURUVAYOOR.

2. THE GURUVAYOOR DEVASWOM COMMISSIONER, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR (LOCAL FUND AUDIT), GURUVAYOOR DEVASWOM AUDIT, GURUVAYOOR.

BY ADV. SRI.M.RAMESH CHANDER, SC, GDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.33329 OF 2006

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Dated this the 2nd day of February, 2007

JUDGMENT

Case of the petitioners in brief is as follows:

They are Clerks working under the Administrator, Guruvayur Devaswom (first respondent). They had provisional service and later on they were regularised. According to them they are entitled to reckon their past provisional service for the purpose of increment, grade etc.

2. A statement has been filed wherein no doubt it is stated that the provisional service of Smt. P.Sathi, Staff Nurse was ordered to be credited for all purposes and according to her subsequent increments regulated and she was appointed in the pay scale of Rs.1000-1710 in a temporary leave vacancy as per order dated 21.10.1992. There is reference to the petitioners' representation. Thereafter it is stated as follows:

> "By another order issued vide G.O.(P)6/91/PW&T dated 31.1.91 government ordered to reckon the services of NMR workers on their regularization. It is submitted that NMR service can be equated with provisional service as

well considering the genuine grievances of the petitioners, Administrator has written to the Commissioner B1.8287/02 dated 17.1.06 delineating various provisions of KSR, governing orders, clarification from the Local Fund Audit, legal opinion and the identical cases etc. and also referred to the governing order issued in the PWD where the NMR services were taken into account for the purpose of increments and grades.

Then the Commissioner referred the matter to the Joint Director LFA Guruvayur Devaswom, Local Fund Audit has considered the matter at length with reference to the provisions of Law namely ER and Government Orders etc. in reference No.LF (HO) A4-326/06 dated 17.5.06."

3. Learned counsel appearing on behalf of the respondents would contend that in fact the Administrator had written to the Commissioner with all details and a final decision is to be taken by the Commissioner. Learned counsel for the petitioners would point out that in fact a decision is already taken and all that is needed to be done by the Administrator is to take a decision in the matter.

In such circumstances, the writ petition is disposed of directing the second respondent to consider and take a decision in accordance

with law on the matter arising out of the communication dated 17.1.2006 issued by the Administrator referred to in the statement extracted herein before and communicate the decision to the first respondent within a period of six weeks from the date of receipt of a copy of this judgment. First respondent will thereafter pass appropriate orders in the light of the decision taken by the second respondent. If the decision is in favour of the petitioners, the first respondent will disburse the monetary benefits without any further delay. Naturally if the decision is against the petitioners, the petitioners will be left free to challenge the decision. I leave open the contentions of the petitioners.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.